

Ronald L. Richman, SBN 139189  
E-Mail: ron.richman@bullivant.com  
Susan J. Olson, SBN 152467  
E-Mail: susan.olson@bullivant.com  
BULLIVANT HOUSER BAILEY PC  
601 California Street, Suite 1800  
San Francisco, California 94108  
Telephone: 415.352.2700  
Facsimile: 415.352.2701

Attorneys for Plaintiffs Laborers Trust Funds

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS VACATION-HOLIDAY  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiffs,

vs.

KURT ALBIN ERNST individually and doing  
business as ERNST MECHANICAL  
COMPANY, a California Company,

Defendants.

Case No.: C 08 CV 00355 PJH

**PLAINTIFFS' STATEMENT IN LIEU OF  
CASE MANAGEMENT CONFERENCE  
STATEMENT; ORDER THEREON**

Date: May 8, 2008  
Time: 2:30 p.m.  
Ctroom: 3, 17<sup>th</sup> Floor  
Hon. Phyllis J. Hamilton

Plaintiffs offer this Statement in Lieu of the Case Management Conference Statement.

On January 18, 2008 Plaintiffs filed their Complaint For Damages for Breach of  
Collective Bargaining Agreement and For A Mandatory Injunction ("Complaint") seeking to  
recover outstanding trust fund contributions on behalf of Defendants' covered employees.

1 On March 31, 2008 Plaintiffs filed their Request for dismissal against Ernst Mechanical  
2 Company. The Request for Dismissal was granted. The remaining defendant in this action is  
3 Kurt Albin Ernst. Defendant Kurt Albin Ernst has not filed a responsive pleading in this case.

4 On April 25, 2008 Plaintiffs filed their Request for Clerk's Entry of Default Against  
5 Defendant Kurt Albin Ernst. Once the Clerk enters the default of Kurt Albin Ernst, Plaintiffs  
6 will proceed with a Motion for Default Judgment. It is anticipated that Plaintiffs will file their  
7 Motion for Default Judgment within the next 60 days.

8 Based on the above, Plaintiffs respectfully request that the Case Management  
9 Conference be continued for sixty days.

10 DATED: April 25, 2008

11 BULLIVANT HOUSER BAILEY PC

12  
13 By   
14 Ronald L. Richman

15 Attorneys for Plaintiffs Laborers Trust Funds

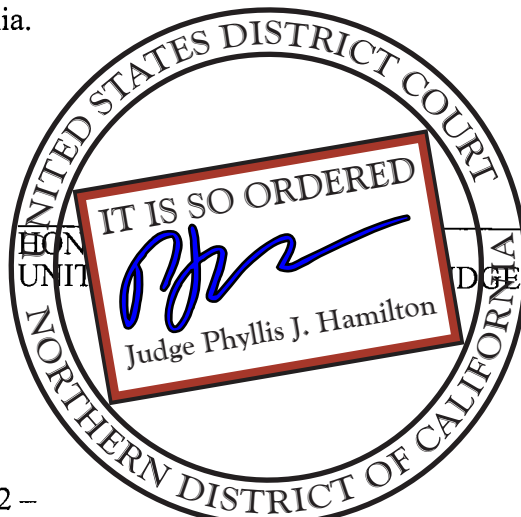
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17 **CASE MANAGEMENT ORDER**

18 The Court having read Plaintiffs' Statement in Lieu of Case Management Conference  
19 Statement and good cause appearing therefore:

20 IT IS HEREBY ORDERED that the Case Management Conference currently scheduled  
21 for May 8, 2008 at 2:30 p.m. be continued to July 24, 2008 at 2:30 p.m.,  
22 Courtroom 3, 17<sup>th</sup> floor, San Francisco, California.

23 DATED: April 29, 2008

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25 By



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